UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

ROBERT BENNETT, et al., : Honorable Madeline Cox Arleo

Civil Action No. 08-6387 (SDW)

Plaintiffs,

:

v. : **REPORT AND RECOMMENDATION**

GREAT LAKES CHEESE CO., INC., et al. :

Defendants.

THIS MATTER having come before the Court upon the motion of plaintiffs (Matthew P. Pietrowski, Esq., of Levinson Axelrod, P.A., appearing) to remand, or in the alternative, to seek leave to amend their complaint and to remand, and for an award of attorney's fees and costs, pursuant to 28 U.S.C. § 1447(e), (Docket Entry No. 5), and upon notice to defendant, Great Lakes Cheese Company, Inc. (William White, Jr., Esq., of Bonner Kieman Trebach & Crociata, LLP appearing), and the Court having considered the papers submitted in support of and in opposition to the motion and having heard the argument of the parties, and for the reasons set forth on the record on March 25, 2009, and for good cause shown;

IT IS on this 25th day of March 2009,

RECOMMENDED THAT plaintiffs' motion seeking leave to amend their complaint and to remand this case to state court (Docket Entry No. 5) be **GRANTED**; and

IT IS FURTHER RECOMMENDED THAT plaintiffs' request for an award of attorney's fees and costs, pursuant to 28 U.S.C. § 1447(c), be **DENIED**.

The parties have ten (10) days from the date hereof to file objections.

s/Madeline Cox Arleo
MADELINE COX ARLEO
United States Magistrate Judge

cc: Hon. Susan D. Wigenton, U.S.D.J. Clerk of the Court All Parties File